

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT OF
PLAINTIFF CHARLES SIMS'S CLAIMS**

Defendants the NFL Player Disability & Survivor Benefit Plan, the NFL Player Disability & Neurocognitive Benefit Plan, the Bert Bell/Pete Rozelle NFL Player Retirement Plan, the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan hereby move for summary judgment of Plaintiff Charles Sims's claims in the Amended Complaint, ECF No. 56. For the reasons more fully explained in the accompanying Memorandum in Support of Defendants' Joint Motion for Summary Judgment of Plaintiff Charles Sims's Claims, the Court should grant summary judgment for Defendants on Counts I, II, III, and V as to Mr. Sims.¹

Summary judgment is warranted for Defendants here because: (i) the undisputed facts show that Mr. Sims was not entitled to Active Football benefits under the terms of the Plan and the Board did not abuse its discretion in denying Mr. Sims's claim because its decision was based on substantial evidence and the Medical Advisory Physician's final and binding determination; (ii) the decision letters Mr. Sims received provided the required information and complied with the requirements of the Employee Retirement Income Security Act; and (iii) Mr.

¹ The Court has already dismissed Count IV in its entirety. ECF No. 78 at 47.

Sims's fiduciary breach allegations are derivative of the same alleged failures underlying Counts I, II, and III, and the kinds of errors Mr. Sims alleges do not come close to the standard to demonstrate a fiduciary breach.

Date: November 18, 2024

Respectfully submitted,

/s/ Gregory F. Jacob

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Benefit Plan*

CERTIFICATE OF SERVICE

I, Gregory F. Jacob, hereby certify that on November 18, 2024, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory F. Jacob
Gregory F. Jacob